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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,008	09/16/2003	Benedikt Sas	4532680/16900 (KEM 69)	3907
26386 7590 02/23/2007 DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C. THE FINANCIAL CENTER 666 WALNUT STREET SUITE 2500 DES MOINES, IA 50309-3993			EXAMINER WANG, SHENGJUN	
			ART UNIT 1617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20070217

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Shengjun Wang
Primary Examiner
Art Unit: 1617

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1. The reply filed on December 4, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): no species election (see page 3 of last office action). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Following inventions are added to the restriction requirements to cover the full scope of claimed invention.

- V. Claims 8-11, drawn to a method of treating flaviviridae comprising administering an endoperoxide compound, wherein the compound is not embraced by those in groups I-IV, classified in class 514, subclass 183+.
- VI. Claims 8-11, drawn to a method of treating infection caused by (+) sense RNA virus, wherein the virus is not a flaviviridae comprising administering an endoperoxide compound, classified in class 514, subclass 183+.

Inventions groups I-V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different modes of operation. Particularly, the methods employ art recognized structurally distinct compounds. A reference rendering obvious to one invention under 35 U.S.C. 103, would not

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necessarily rendering the other obvious as the compounds are not obvious each from the others. They therefore have different issues regarding patentability and enablement and represent patentable distinct subject matter. Therefore, inventions of Group I-V represent separate and distinct methods. Further, search of all those structurally distinct compounds would be an undue burden.

2. Inventions groups (I-IV) and group VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different modes of operation. Particularly, the methods are directed to treatment of different diseases. A reference rendering obvious to one invention under 35 U.S.C. 103, would not necessarily rendering the other obvious as the diseases have distinct etiologies and are not obvious each from the others. Therefore, inventions of Groups (I-V) and VI represent separate and distinct methods. Further, They therefore have different issues regarding patentability and enablement and represent patentable distinct subject matter. Further, search of one disease is not required for the search of the others.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shengjun Wang
Primary Examiner
Art Unit 1617


SHENGJUN WANG
PRIMARY EXAMINER